

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JOHN ELLIS JACKSON

CIVIL ACTION NO. 06-1370

VS.

**SECTION P
JUDGE JAMES**

RON SCHLEUTER, ET AL.

MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER

Before the court is a *pro se* civil rights complaint filed by plaintiff John Ellis Jackson, Ouachita Correctional Center Prison Number 737576. Plaintiff is an inmate in the custody of the Sheriff of Ouachita Parish and is confined in the Ouachita Corrections Center, Monroe, Louisiana where he is awaiting trial on unspecified charges.

Plaintiff has asked to be allowed to proceed *in forma pauperis* pursuant to the provisions of 28 U.S.C. §1915. [docs. 2, 6] On August 30, 2006, his motion was granted. [doc. 7] In his application to proceed *in forma pauperis*, plaintiff acknowledged that on prior occasions, while he was incarcerated or detained, he brought civil actions that were dismissed as frivolous, malicious, or failed to state claims for which relief could be granted. [doc. 6, paragraph7] The records of this court confirm the fact that at least three previous prisoner civil rights complaints filed by the plaintiff were dismissed as frivolous. See (1) *John E. Jackson, Jr. v. Fourth Judicial District Court, et al.*, No. 3:04-cv-00493 at doc. 10; (2) *John E. Jackson, Jr. v. T.L. Passman, et al.*, No. 3:04-cv-00856 at doc. 12; and, (3) *John E. Jackson, Jr. v. Sheriff's Dept. Ouachita Parish*, No. 3:04-cv-1478, at doc. 8.¹

¹ In each instance, plaintiff identified himself with Ouachita Parish Prisoner Number 737576, the identical identification number used by the plaintiff in the instant complaint.

28 U.S.C. §1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff's present complaint alleges that he was the victim of excessive force at the time of his arrest on July 22, 2006. He does not allege that he is presently under imminent danger of serious injury.

In short, plaintiff is not eligible to proceed *in forma pauperis* in this matter. Therefore

IT IS ORDERED that plaintiff's *in forma pauperis* status [doc. 7] is hereby **REVOKED** and **RESCINDED**;

IT IS FURTHER ORDERED that in order for this complaint to remain viable, plaintiff must pay the full filing fee of \$350.00 (three hundred and fifty dollars) within twenty (20) days from the date of this order. **FAILURE TO PAY THE FULL FILING FEE WILL RESULT IN THE PLEADINGS BEING STRICKEN FROM THE RECORD.**

THUS DONE AND SIGNED in Chambers, in Monroe, Louisiana this 6th day of November, 2006.


KAREN L. HAYES
U. S. MAGISTRATE JUDGE